MINUTES BOROUGH OF NEW MILFORD 7:00 PM WORK SESSION OPEN SESSION immediately following 7:45 PM PUBLIC MEETING Monday, September 23, 2013



WORK SESSION:

Mayor Subrizi read the Open Public Meeting and Mission Statements.

Councilman Diego Robalino	Present
Councilman Austin Ashley	Present - Arrived 7:05 PM
Council President Randi Duffie	Present
Councilman Dominic Colucci	Present
Councilwoman Hedy Grant	Present
Councilman Michael Putrino	Present
Mayor Ann Subrizi	Present

Also Present: Marc Leibman, Borough Attorney; Christine Demiris, Administrator/Clerk

Council President Duffie made a motion to go into closed session. Councilman Robalino seconded the motion. All present in favor, none opposed.

CLOSED SESSION:

1. Potential Litigation - Senior Center Renovation

At the conclusion of the closed session Council President Duffie made a motion to return to open session. Councilwoman Grant seconded the motion. All present in favor, none opposed.

OPEN SESSION:

1. Request for Stop Signs

The Mayor and Council discussed the Police Department recommendation for stop signs at the intersection of Cooper Street and Salem and the intersection of Trotta and Columbia. There was no objection from the Council; the Clerk will draft the ordinance for introduction.

On a related note, Councilman Robalino spoke about the need for more pedestrian walkway signs on Boulevard. The street has the painted striping running across, but there is no identifying signage. Signage was discussed and the Administrator will speak to the DPW Supervisor about the issue.

2. Traffic Study – Graphic/Boulevard

The Administrator reported the accident count at the intersection of Graphic and Boulevard in 2012 was 6. So far in 2013 there have been 7 accidents. She said the borough engineer's estimate for a traffic signal warrant study is approximately \$5,000. It would be less expensive if the borough could provide a traffic count but the borough lacks the equipment needed. Chief Papapietro will look into borrowing equipment. If the traffic is below the threshold then there is no justification for the signal installation. After a short discussion regarding the prior four way red blinking light and costs of traffic light installations, it was agreed that if a traffic count does not meet the criteria for a traffic light, the police department will be asked to give alternative suggestions for the intersection.

3. Drainage - Cherry/Chestnut Street

The Administrator read the borough engineer's letter dated August 16, 2013 regarding the proposed replacement of the current 15" pipes with 18" pipes to attempt to alleviate the drainage issues in and around the Cherry/Chestnut Streets area. It is unknown if utilities and other obstacles may complicate the replacement. A rough estimate was given at \$300,000 to \$350,000, but, before a more accurate estimate can be given, the engineer must have a detailed survey showing utilities and all other structures. Also, the Cypress Street area could be negatively affected if the pipe replacement is done in the target area. A study may conclude that the whole system needs reconstruction. Even after doing preventive work, there is no guarantee there will be no future flooding. A high water table in the area adds to the street flooding and could still cause flooding issues in homes.

The Mayor spoke about the design element of some homes in the Borough where driveways are built going downhill towards homes and the residents of these homes are responsible for pumping water out of their driveways. The borough engineer reported some towns do not allow downward sloping driveways for this reason. She said one problem with the area is it is very flat and there is no place for water to collect. The solution of larger pipes would lessen the flooding only to a degree. The need to increase the size of pipes going down to the river is also needed. The Mayor suggested more catch basins on Cherry and Chestnut Streets may help. The engineer stated the cost of a catch basin is approximately \$2,000.

The borough engineer spoke about several issues noting the DEP requirement for grates over the catch basins which limits the amount of water that can be taken in at time. She said Cherry Street has been televised and suggested Chestnut Street should be as well to rule out any blockages. The engineer will make a recommendation as to where the catch basins should be added and the Administrator will ask the DPW to televise Chestnut Street. The cost of the catch basins would need to be included in the 2014 budget. The borough grant writer will be asked to look into possible grant applications to help fund the project. The borough engineer said the ideal solution is to begin the process of flood relief at the Hackensack River and work into neighborhoods.

4. NMEF 10K – Status Update/Parking Request

The Administrator said she, the Chief of Police, and the Supervisor of the DPW met with representatives of the Educational Foundation to discuss the 10K Charity Run request for road closures. She gave the times of registrations and the activities timelines for the day. She addressed the parking solutions that were brainstormed at the meeting and suggested the borough's new communication program, Swiftreach be used to notify residents of street closures during the 10K and 5K runs. The Council granted permission for parking at the Senior Center and American Legion parking lots. Another meeting with the Education Foundation Committee meeting is planned for next week.

5. Chemical Lawn Care - Potential to Bring In-House

The Administrator reported at this time the borough uses an outside firm to apply chemicals for lawn care purposes to the borough lawns and athletic fields. One of our own DPW employees is licensed to do this work. If the Governing Body wished to purchase the equipment needed to lay down the chemicals, the work could be done by the licensed employee in-house. The Administrator said after doing the calculations there would be no savings to the borough in the first year because the machinery would run approximately \$8,000. Borough savings would come after the initial year. The idea of sharing the machine with another municipality was discussed but, as it is a seasonal tool with potential repair issues and costs, the idea is not practical. It was suggested the Board of Education may want to share the cost of the equipment.

Council asked for a detailed three year cost analysis, comparing the continued use of an outside source versus doing the job in-house, to include the manpower time needed, the cost of the chemicals, cost of the machine and any other factors. The topic will be brought up again at a future meeting.

6. River/Stream Cleaning Grant Announcement

The Mayor reported New Milford is eligible to apply for a portion of the three million dollars for the Passaic River Basin River/Stream Cleaning Grant and she is seeking the permission of Council to have the borough grant writer prepare an application. The Council approved.

7. Administrator's Report

The Administrator asked the Governing Body for the approval to appoint DPW employee, Syl Bresa, as Safety Coordinator as recommended by his supervisor. A small stipend goes with the responsibilities. All agreed. Resolution 2013:262 was added to approve the appointment.

Work Session ended at 8:14pm.

PUBLIC SESSION:

Mayor Subrizi called the meeting to order, asked for a moment of silent prayer and/or reflection, and led the flag salute. Mayor Subrizi read the Open Public Meeting Law and Mission Statements and pointed out the fire exits in the Council Chambers.

ROLL CALL: (Actual Start: 8:22 PM)

Councilman Diego Robalino	Present
Councilman Austin Ashley	Present
Council President Randi Duffie	Present
Councilman Dominic Colucci	Present
Councilwoman Hedy Grant	Present
Councilman Michael Putrino	Present
Mayor Ann Subrizi	Present

Also Present: Marc Leibman, Borough Attorney; Christine Demiris, Administrator/Clerk

PRESENTATION: BROOKCHESTER REDEVLOPMENT PROJECT

Steve Sinisi, on behalf of Brookchester Apartments, introduced himself to the Governing Body and asked permission to present a new proposed apartment project plan in consideration of the previously submitted formal rezoning request.

He began by explaining his client, Bal Bay Realty Ltd., is the name on the application and is run by the Brunetti organization. Bal Bay Ltd. has filed a formal zoning request for the proposed project. The reports which will be explained at this meeting were included with the application.

Mr. Sinisi introduced three witnesses: Dave Minno, Project Architect; Bridgette Bogart, Professional Planner; and Chuck Olivo, Project Engineer.

Mayor Subrizi introduced the Paul Grygiel, Borough Planner, Margita Batistic, Borough Engineer; and noted the presence of several members of the New Milford Planning Board.

Mr. Sinisi introduced Dave Minno. Mr. Minno gave his background which included being a principal in Minno and Wasko, and a registered architect and planner. The Brookchester Redevelopment Project Conceptual Report Mr. Minno had prepared and would being referring to in his presentation was marked as Exhibit A1 for the record. He gave a description of the document consisting of 14 pages.

He described the first page as the existing conditions, noting the yellow shaded area is approximately 33 acres, which represents just a portion of the entire Brookchester Development, and includes 752 apartments.

The second page is the concept plan consisting of a planned community including structures and parking areas, both lots and underground garages. The property would be surrounded by

landscaped buffers and include walking trails which will offset the development from the residential streets. In the concept plan, the apartment units would be tallest in height in the center of the development and kept to a lower height in areas adjacent to single family homes. A clubhouse and an amenities building are included within the plan. The trails would be open to the public. The club house would be available to residents for rental for parties and other events. The style of the development would blend with the surrounding community.

He described the type of construction as modern with high quality masonry. He said his vision includes quality landscaping, including trees and seasonal flowers. Mr. Minna stated that later in the presentation the borough's affordable housing proponent would be addressed. He stated this type of community development does not attract a high number of families with school age children and that the development will generate income for the borough without taxing the borough's services.

Mr. Sinisi asked Mr. Minno if, in his opinion, the project would be desirable to the community, with good civic design and arrangement and Mr. Minno answered yes.

Mr. Sinisi introduced Chuck Olivo who gave a brief biography on himself. He is owner of Stonefield Engineering and Design, and is a civil and transportation engineer. He said he prepared and would report on the Infrastructure Report for the project, which was marked A2 and is dated September 9, 2013.

The report was said to be preliminary and refers to the initial findings in sewer, electric, traffic and other utilities serving the site under the present and proposed conditions. Current roadway networks are considered to be in good condition. Current parking is well utilized. The new plan would take much of the "on-street parking" away and put it into parking lots. He spoke about the roadways in all directions of the complex and the volume of traffic during peak hours. Based on his firm's analysis he expects the roadways could be maintained in the current pattern which is now in place.

Mr. Olivo said that after speaking with the New Milford DPW Supervisor, he is satisfied with the sewer infrastructure at this time. If the project is approved he would work with the DEP, state, county and municipal authorities to keep the infrastructure compliant. He said the site is well served by the other utilities as well. Storm water management and all other aspects of the project will be addressed with the borough's Planning Board and the developer would comply with all approved recommendations. He assured the public and the Governing Body the infrastructure would work well and would be aesthetically pleasing. Mr. Minno asked if Mr. Olivo could foresee any adverse impacts on the area with the structural changes requested by the developer. Mr. Olivo answered no; he did not see any problems.

Mr. Sinisi introduced Ms. Bogart, professional planner and Ms. Bogart introduced herself and gave a brief biography. She said that she is a licensed professional planner in New Jersey; she is a principal in her own firm and has been a planner in New Jersey for 15 years. She spoke about the variety of jobs she takes on and said she has been working on this particular project since its inception.

Ms. Bogart explained the formula of the Fiscal Impact Analysis she developed for the proposed development and the document was marked as exhibit A3. She said she has spoken to New Milford's borough planner who has accepted the methodology of her report. She reviewed some of her statistics including the minimal number of students the development will add to the school system and the general population of the school district.

Ms. Bogart's report addressed New Milford's municipal budget and the fiscal impact the proposed development would have on the budget versus the present development. She explained the municipal revenue generated by the development would increase in greater proportion than any increase in expenses it may create. Ms. Bogart explained how she calculated the ratio of new students the development would bring into the school system. She formulated the revenue that the new development would create for the municipality and compared it to the present development's revenue which is not producing enough income to support the students it sends to the district schools. Using the same calculations, the proposed projected development would generate a surplus. She referenced the summary she included in her report on page 22.

Mr. Minno asked Ms. Bogart about the planning document she prepared. Ms. Bogart referred to several resolutions the Borough had passed this year including 2013:167, Affordable Housing Relocation. She stated the new development addresses the need for affordable housing by building 45 affordable units within the development, which is 10% of the net increase and meets the mandated criteria. Resolution 2013:168, Need to Address Outdated Housing Stock will be addressed because the complex as it is now fits the definition of outdated. The proposed development will be new and compliant with what the Governing Body and Planning Board would like to see in the municipality. Resolution 2013:169, Increase Open Space, is addressed in the proposed plan as walking trails which will be available to the public and the open space areas within the development that can used by the community. She also said that the new complex would be consistent with the 2004 Master Plan reexamination's goals. Ms. Bogart reviewed other assets and said the proposed development is in keeping with the positive objectives on municipal, county and state levels. She said the proposed development has many improvements and with all the facts and calculations shown, it is her opinion, that this Mayor and Council have the legal right within state statute to consider rezoning the property. She also commented that the current development results in a deficit of \$200,000 per year as set forth in the municipal budget.

Ms. Bogart addressed the comments on the cost calculations as posed by the borough planner. She stated that one error was a typo within her report which caused some misconceptions. She explained the formula she actually used (as identified in paragraph 1), and therefore Mr. Grygiel's comment is not relevant.

Ms. Bogart stated in paragraph 2, which talks about per capita cost, the borough planner asked the formula used be adjusted. With the adjustment, the difference in the report would read \$24.00 per person. She went further into the adjustment of calculations and explained how the new formula would change other aspects of her report. She addressed the methodology used for the school student costs and gave the new figures. Overall, the project cost would go up approximately \$140,000 based upon adjustments made by using the borough planner's comments. There would continue to be a surplus in the municipal budget of \$200,000.

Mr. Sinisi requested a letter, from Minno Wasko, dated September 16, 2013, which was referred to in testimony, be submitted into the testimony and labeled as Exhibit A1A.

Council President Duffie asked Mr. Grygiel if he had any questions for the applicant's professionals at this time. Mr. Grygiel stated that he did not at this point. He had put his comments and questions in a letter to Ms. Bogart and is satisfied with her responses. Looking at the figures, there is a financial swing in a positive direction if the property were to be rezoned. The property value would be increased and therefore ratables would increase for the borough.

Councilwoman Duffie asked Mr. Grygiel if the calculation on the increased revenue is accurate and Mr. Grygiel responded the revenue would be increased favorably and that the applicant's methodology is sound.

Councilman Colucci asked Mr. Grygiel if he was satisfied with the sanitary sewer calculations and Mr. Grygiel stated that it is not his expertise and believes the borough engineer should address the question. If the project moves forward the issue will be addressed by the Planning Board

Councilman Ashley asked, when referring to the use of the existing utilities, if that would mean each building would be serviced underground. Mr. Olivo stated that if the project were to move forward the project engineers would propose additional details for the utilities. He said his statement in the presentation referred to the points of connection of the utilities in the infrastructure from the street.

Councilman Ashley asked how garbage would be handled. Mr. Minno said in the larger buildings there will be trash chutes leading to a central trash room on the garage level equipped with trash compactors. Trash will then be taken by management to the street on the appropriate days and times. The smaller buildings may have dumpsters in enclosures.

Councilwoman Grant asked for more detail regarding the parking situation for tenants. Mr. Minno explained the development will have to meet the Residential Site Improvement Standards, which is uniform for all residential projects in New Jersey. He explained the requirements. He then explained the construction of the proposed parking decks, including some below grade parking. The tallest decks will be below roof lines in all areas of the development.

Councilman Putrino asked if the same facades will be used throughout the development or will it be changed up in sections. Mr. Minno said that it will be changed up in sections to a degree. Lighting fixtures and signage will be uniform. The same family of colors and building materials will be consistent throughout the complex.

Mayor Subrizi said she had concerns for the remainder of the apartments which will remain as they are now. She asked if it would be possible to have parking off site for those units to alleviate the on street parking situation. The Mayor was told the development is constrained to the proposed site, but the issue will be reviewed.

Mr. Leibman stated the owner of the Brookchester Apartments has gone through considerable time and expense to present the project in front of the Mayor and Council. He suggested the Governing Body be polled to see if there is interest in rezoning the property to accommodate the project. If the Mayor and Council have an interest, then the professionals should discuss details further to draft a rezoning ordinance to be brought before the Governing Body for consideration. If adopted, the ordinance would then go to the Planning Board for review and recommendations. He said the project will need state, county and a host of other authority and department approvals.

Councilman Colucci asked if there is a water retention plan for the development. Mr. Leibman said that there are a host of regulations that govern water and there will be a major water retention system within the project's plan.

Council President Duffie asked what specific characteristics need or should be included if the Council made a motion to go forward. Mr. Leibman stated the motion would not need to be very specific. Details would be put into the proposed ordinance, such as setbacks, architectural detail requirements, and parking requirements. He said the Planning Board will also be able to add many necessary requirements.

Council President Duffie made a motion to move ahead allowing the borough professionals to engage with the property owner and craft a rezoning ordinance. Councilwoman Grant seconded the motion. The motion passed on a roll call vote; all present in favor, none opposed.

Resolution 2013:263 was added to authorize borough professionals to work with the Brunetti organization to craft a rezoning ordinance for the council's review.

Mr. Brunetti thanked the Mayor and Council for the opportunity to come before the Governing Body with his presentation.

PROCLAMATIONS:

Mayor Subrizi presented the New Milford Woman's Club with a proclamation, listed some of their philanthropic works and declared October 9, 2013 **NEW MILFORD WOMAN'S CLUB DAY** in honor of their 65th anniversary.

APPOINTMENTS:

Mayor Subrizi announced the appointment of Barbara Barbagallo to the Historic Preservation Commission. The commission lost two members, Mr. Bob Lenard and Mr. Darren Drake. Council President Duffie made a motion to approve the appointment. Councilwoman Grant seconded the motion. All present in favor, none opposed.

COUNCIL COMMITTEE REPORTS:

Motion to file Committee Reports with the Borough Clerk to be spread in full upon the minutes.

OLD BUSINESS:

Councilman Colucci made a motion to approve the minutes from the August 26, 2013 Work/Public Session and the September 9, 2013 Work Session. Councilman Robalino seconded the motion. All present in favor, none opposed.

NEW BUSINESS:

INTRODUCE ORDINANCE 2013:09

CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$97,000 FOR THE UNDERTAKING OF IMPROVMENTS AT BABE RUTH FIELD, WILLIMAS FIELD AND KENNEDY FIELD IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A COUNTY GRANT AND FROM THE OPEN SPACE TRUST FUND OF THE BOROUGH.

Councilman Colucci made a motion to introduce this ordinance on its first reading. Councilman Ashley seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

The ordinance will be published in the Record and a public hearing will be held on October 28, 2013 at 7:00 PM or as soon thereafter as the matter can be reached.

INTRODUCE ORDINANCE 2013:10

AN ORDINANCE TO AMEND CHAPTER XIX, OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED 'PARKS AND RECREATION,'SECTION 19-3, FEES

Councilman Robalino made a motion to introduce this ordinance on its first reading. Council President Duffie seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

The ordinance will be published in the Record and a public hearing will be held on October 28, 2013 at 7:00 PM or as soon thereafter as the matter can be reached.

INTRODUCE ORDINANCE 2013:11

AN ORDINANCE TO AMEND CHAPTER I OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "GENERAL PROVISIONS" THEREBY AMENDING SUBSECTION 1-2 ENTITLED "DEFINITIONS"

Council President Duffie made a motion to introduce this ordinance on its first reading. Councilman Robalino seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

The ordinance will be published in the Record and a public hearing will be held on October 28, 2013 at 7:00 PM or as soon thereafter as the matter can be reached.

INTRODUCE ORDINANCE 2013:12

CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$54,730 FOR THE DEMOLITION AND SITE RESTORATION OF HURRICAN IRENE DAMAGED HOMES IN, BY AND FOR THE BOROUGH OF NEW MILFORD IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM HOMEOWNER'S FLOOD INSURANCE PROCEEDS ASSIGNED TO THE BOROUGH

Councilman Colucci made a motion to introduce this ordinance on its first reading. Councilwoman Grant seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

The ordinance will be published in the Record and a public hearing will be held on October 28, 2013 at 7:00 PM or as soon thereafter as the matter can be reached.

The Administrator announced a website error in the email address given within the link to sign up for the Flood Advisory Committee. She asked anyone who has emailed with an interest in joining to email again. The Administrator asked that a decision be made as to where in the building the meeting will be held and reminded the Council that if a majority of them are to be in the same meeting there would be statutory rules that govern the meeting. She asked the borough attorney if the meeting should be noticed in accordance of the Sunshine Law and Mr. Leibman agreed it should.

The Administrator told the Governing Body that there will be a presentation for employees on Workplace Violence, presented by Police Chief Papapietro. The presentation is mandatory for all employees.

The Administrator reported that the Kennedy Field lighting is up and running as of today. Additional work still needs to be completed and the final inspection will be completed by the first week in October.

The Administrator announced resolution 2013:262 was added to the agenda while Mayor and Council met in the conference room. The resolution is to appoint Syl Bresa as Safety Coordinator.

The Administrator reminded the Governing Body of a discussion that took place at a previous meeting regarding a recommendation to limit parking on Locust Street to one side of the street. Chief Papapietro has recommended that there be no parking on the east side of the street. She said barring any objection she would prepare the ordinance for introduction at the next public meeting. There was no objection.

Councilman Colucci stated the two New Milford fire chiefs have requested to come to a Mayor Council work session in November to present a request regarding the contingency money put aside for the firehouse construction projects. After a brief discussion it was determined there was no need for the two chiefs to attend a meeting at this time.

Mayor Subrizi said Steve Wondrak from United Water will be sending a donation check in response to a request from the Fire Department for a Swiftboat and training. She said United Water would like the check to be considered a general donation to the Fire Department.

COMMENTS FROM THE PUBLIC

Council President Duffie made a motion to open the meeting for public comment. Councilwoman Grant seconded the motion. All present in favor, none opposed.

Nick D'Amelio, Trensch Drive – Mr. D'Amelio said he was at a recent Zoning Board meeting where he saw a presentation about the Hackensack River made by Rick Mide. Councilwoman Grant said the presentation is posted on YouTube. Mr. D'Amelio spoke about his teenage years spending time on the river. He said he was appalled by the condition of the river shown in the presentation. He said it was not as cluttered when he was growing up as it is now. He said they need to keep the river flushed out and United Water is not allowing the water to flow well beyond a certain point that is now a sand bar. He said someone needs to take care of the river before more flooding occurs. The Governing Body asked Mr. D'Amelio to attend the Flood Advisory Committee meeting.

A motion was made by Councilman Putrino to close the public portion off the meeting, seconded by Council President Duffie. All present in favor, none opposed.

RESOLUTIONS:

2013:248	Closed Session
2013:249	Payment of Bills and Vouchers
2013:250	Approve Raffle License 2013:16 – Friends of New Milford Library
2013:251	Approve Raffle License 2013:17 – New Milford Touchdown Club
2013:252	Authorize Disposition of Obsolete Office Equipment
2013:253	Reappoint Administrator – Christine Demiris
2013:254	Appoint Acting Municipal Court Administrator – Geeta Joshi
2013:255	Authorize Refund of Duplicate Tax Payment - Various Blocks and Lots
2013:256	Authorize Cancellation of 1 st Half 2013 Taxes – Block 101, Lot 1
2013:257	Authorize Mayor to Sign Grant Agreement with County of Bergen – Senior Center
	Rehabilitation
2013:258	Request Director of DLGS to approve insertion of revenue and like appropriation for
	Drive Sober Program in the amount of \$4,400.00
2013:259	Approve 2013 Capital Budget Amendment
2013:260	Approve Introduction of Capital Ordinance 2013:09 – Field Improvements
2013:261	Approve Introduction of Capital Ordinance 2013:12 – Demo and Site Restoration

2013:262 Appoint Safety Coordinator to DPW - Syleman Bresa

2013:263 Authorize Planner to Draft Rezoning Ordinance – Block 703, Lot 2; Block 702, Lot 8; Block 704, Lot 19; Block 705, Lot 1; and Block 713, Lot 1

VOTE ON RESOLUTIONS

Councilman Putrino made a motion to approve the consent agenda of resolution 2013:248 through 2013:262. Councilman Ashley seconded the motion. All present in favor, none opposed.

ADJOURNMENT

A motion was made by Councilman Putrino to close the public portion off the meeting, seconded by Councilman Robalino. All present in favor, none opposed. Time 10:20 PM.

Respectfully Submitted,

ione Shimaldi

Diane Grimaldi

Deputy Borough Clerk